
REMARKS

No claims are canceled, no claims are added, and no claims were amended. Claims 1-21 are pending in this application. Applicant respectfully requests that the amendments to the Abstract as shown above be entered. No new matter has been added through the amendments to the Abstract.

Response to Restriction Requirement

The Restriction Requirement mailed on July 27, 2005 required an election to one of the following three species:

- I. Figures 1, 2 and 4.
- II. Figure 3.
- III. Figure 5.

Applicant provisionally elects claims 1-6, 11-12 and 15-21, that Applicant believes may correspond to Species I in the restriction requirement, with traverse. Further, Applicant submits that claims 1 and 15 are generic to all species.

Traversal Arguments - Preserving Applicant's Right to Petition to the Commissioner

Applicant respectfully submits that the Examiner has failed to make out a *prima facie* case for the Restriction Requirement. Applicant respectfully submits that there is no serious or undue burden on the Examiner to support making the above species restriction. The present patent application has only 21 claims pending, only two of which are independent claims. Applicant is allowed a reasonable number of species to be examined in a patent application and nearly a bare minimum number of claims are currently pending in the present patent application. By statute, twenty total claims, three of which may be independent, can be filed in a patent application without payment of any excess fees. Applicant fails to see how twenty-one claims with only two independent claims can result in three alleged species being an undue burden on the Office. Applicant respectfully submits that there is no undue burden to support the

Restriction Requirement. Applicant respectfully requests reconsideration and removal of this species restriction in accordance with 37 CFR 1.181(c).

Further, Applicant respectfully submits that the Restriction Requirement mailed July 27, 2005, describes no stated basis, reasoning or support for the above restriction requirement. The Examiner has stated that the claims contain three species based upon the Figures, but Applicant has been given no other information to understand the legal or procedural reasoning behind this action. For example, the Examiner has not alleged that additional searching may be required or that the several species lie in different art classes / subclasses. Therefore, Applicant respectfully submits that this Restriction Requirement lacks substantive and procedural merit and is unsupported. Without a stated basis for this Restriction Requirement, Applicant has no way to determine whether the Restriction is valid or not. Therefore, Applicant respectfully requests reconsideration and removal of this species restriction.

Applicant further submits that any claims drawn to distinct, alleged species in the present patent application are found in the single, generic, independent apparatus claim 1 and/or the single, generic, independent method claim 15. Since there is only one independent apparatus claim and only one independent method claim, any species must be found in dependent apparatus claims. The Restriction Requirement in this case mailed July 27, 2005, states on page 2:

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. [Emphasis Added]

Thus, Applicant is entitled to consideration of several species contained in dependent claims if the independent genus claims are allowable. Applicant respectfully submits that whether the independent claims are allowable or not, the alleged species are already embodied in the two independent claims and there is no reason in this case to restrict out dependent claims. Therefore, Applicant respectfully requests reconsideration and removal of this species restriction.

RESPONSE TO RESTRICTION REQUIREMENT

Serial Number: 10/612,299

Filing Date: June 30, 2003

Title: VOLTAGE CONVERTER

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Dkt: 884.919US1

The Examiner is invited to telephone Applicant's attorney at (612) 373-6904 to facilitate the prosecution of this application. If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

JAMES S DINH ET AL.

By their Representatives,

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Date Aug. 29, 2005 By

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this _____ day of August, 2005.

ROBERT B. MADDEN
Name

Robert B. Madden
Signature